

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CIPLA LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 15-424 (LPS)
	)	
SUNOVION PHARMACEUTICALS INC.,	)	
	)	
Defendant.	)	

**DEFENDANT SUNOVION PHARMACEUTICALS INC.'S MOTIONS FOR SUMMARY  
JUDGMENT AND MOTIONS TO EXCLUDE EXPERT TESTIMONY**

Pursuant to Federal Rule of Civil Procedure 56 and Federal Rule of Evidence 702, Defendant Sunovion Pharmaceuticals Inc. ("Sunovion") hereby moves, as follows:

1. Pursuant to Fed. R. Civ. P. 56, Sunovion moves for summary judgment of invalidity of U.S. RE 43,984 ("984 Reissue") pursuant to 35 U.S.C. § 112 for lack of written description and lack of enablement, 35 U.S.C. § 102(g) for anticipation due to prior invention, and 35 U.S.C. § 251 for violations of the original patent and error requirements and the rule against recapture.

2. Pursuant to Fed. R. Civ. P. 56, Sunovion moves for summary judgment of equitable intervening rights pursuant to 35 U.S.C. § 252.

3. Pursuant to Fed. R. Evid. 702, Sunovion moves to exclude certain portions of the testimony of Plaintiff Cipla Ltd.'s experts, Dr. Nicole Sampson and Dr. Jason McConville.

The grounds for these motions are set forth in Sunovion's opening brief and supporting declaration submitted herewith.

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*/s/ Jennifer Ying*

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December 12, 2017

**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 12, 2017, upon the following in the manner indicated:

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